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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 FRANCISCO MERINO,
12 Petitioner,
13 v.
14 C S PRISON - SACRAMENTO,
15 Respondent.
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No. 2:21-cv-2112-JAM-EFB P

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On December 10, 2021, the magistrate judge filed findings and recommendations herein
21 which were served on petitioner and which contained notice to petitioner that any objections to
22 the findings and recommendations were to be filed within fourteen days. Petitioner has filed
23 objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
25 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
26 court finds the findings and recommendations to be supported by the record and by proper
27 analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 10, 2021, are adopted in full;
2. Petitioner's application for a writ of habeas corpus is denied without prejudice to filing his claims in a new action under 42 U.S.C. § 1983;
3. The Clerk is directed to close the case; and
4. The court declines to issue a certificate of appealability.

Dated: February 9, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE